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Attorneys for Plaintiffs and the Class

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUAN ROMERO, FRANK
TISCARENO, and KENNETH
ELLIOTT, on behalf of themselves, and
all others similarly situated,

Plaintiffs,

vs.

SECURUS TECHNOLOGIES, INC.,

Defendant.

Case No. 16-cv-1283-JM-MDD

CLASS ACTION

**JOINT NOTICE OF SETTLEMENT,
REQUEST TO VACATE ALL
PENDING DEADLINES, AND
REQUEST TO SET DEADLINE FOR
FILING THE JOINT PRELIMINARY
APPROVAL BRIEF**

Plaintiffs Juan Romero, Frank Tiscareno, and Kenneth Elliott (“Plaintiffs”) and Defendant Securus Technologies, Inc. (“Defendant”) (collectively, the “Parties”), by and through their undersigned counsel, hereby jointly notify the Court that the Parties have reached a class-wide resolution of this matter and respectfully request the Court vacate all pending deadlines in light of the settlement and forthcoming preliminary approval motion. In support of the instant motion, the Parties state as follows.

1 1. On October 3, 2018 the Parties attended a full day mediation with the
2 Honorable Leo S. Papas (Retired).

3 2. The Parties were unable to reach a resolution of the matter at this mediation.

4 3. On November 21, 2018, the Court denied a motion by Plaintiffs for partial
5 summary judgment.

6 4. On November 21, 2018, the Court granted Plaintiffs' renewed motion for class
7 certification of Plaintiffs' requests for monetary damages under CIPA and their requests
8 for injunctive and declaratory relief, but limited certification for monetary damages to the
9 Plaintiffs' claim under Cal. Penal Code § 636. The Court certified, pursuant to both Federal
10 Rule of Civil Procedure 23(b)(2) and (b)(3), the following class:

11 Every person who was a party to any portion of a conversation between a
12 person who was in the physical custody of a law enforcement officer or other
13 public officer in California, and that person's attorney, on a telephone number
14 designated or requested not be recorded, any portion of which was
15 eavesdropped on or recorded by Defendant Securus Technologies, Inc. by
means of an electronic device during the period from July 10, 2008 to the
applicable opt-out date, inclusive (the "Class Period").

16 5. Plaintiffs filed an interlocutory request to appeal the denial of their motion for
17 partial summary judgment. This request was denied. All the Parties also petitioned the
18 Ninth Circuit Court of Appeals for permission to appeal the Court's certification order
19 under Federal Rule of Civil Procedure 23(f). Plaintiffs' request was denied. Defendant's
20 request was granted. On April 17, 2019, the Court stayed all proceedings during the
21 pendency of the appeal.

22 6. On August 16, 2019, the Parties attended a second mediation with Judge
23 Papas. The Parties were unable to reach a resolution of the matter at this mediation, but
24 continued to engage in extensive direct settlement negotiations.

25 7. The Parties thereafter conducted numerous telephonic conferences with the
26 Ninth Circuit Court of Appeals Mediator Sasha M. Cummings. After extensive
27 negotiations and numerous status calls with Ms. Cummings, the Parties reached a
28

1 settlement, the terms of which are memorialized in a written settlement agreement dated
2 April 17, 2020. The agreement calls for the Parties to file a joint motion for preliminary
3 approval of the settlement on or before the 30th day following its effective date.

4 8. Economy would be served by vacating all existing dates as set forth in the
5 Court's current case schedule, including any pretrial and trial dates, with the Court setting
6 future dates as it deems necessary. Accordingly, in the interest of preserving the Parties'
7 and the Court's resources, the Parties respectfully request that the Court vacate all existing
8 deadlines and dates. The Parties also request the Court set a deadline of May 17, 2020, or
9 as soon thereafter as the Court deems appropriate given the ongoing COVID-19 pandemic,
10 for the Parties to file a joint motion for preliminary approval of the settlement agreement.

11 Dated: April 21, 2020

Respectfully submitted,

12 By: s/ Robert L. Teel

13 Robert L. Teel

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15 Robert L. Teel

16 FOLEY & LARDNER LLP

17 Eileen R. Ridley

18 Nicholas J. Fox

19 THE LAW OFFICE OF RONALD A. MARRON

20 Ronald A. Marron

21 *Attorneys for Plaintiffs Juan Romero,*

22 *Frank Tiscareno, and Kenneth Elliot*

23 Dated: April 21, 2020

By: s/ Adam R. Fox

24 Adam R. Fox

25 SQUIRE PATTON BOGGS (US) LLP

26 *Attorneys for Defendant Securus Technologies, Inc.*

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2 **CERTIFICATE OF SERVICE**

3 The undersigned hereby certifies that a true and correct copy of the above and
4 foregoing document has been served on April 21, 2020 to all counsel of record who are
5 deemed to have consented to electronic service via the Court's CM/ECF system per Civil
6 Local Rule 5.4.

7
8 /s/ Robert Teel
Robert Teel